

USDC/MA
Gertner, N.

**United States Court of Appeals
For the First Circuit**

No. 05-1843

In Re: MICHAEL J. DELANEY

Debtor

J. BRIAN MOORE; LAURA M. MOORE

Plaintiffs - Appellants

v.

DAVID MADOFF, Trustee in Bankruptcy for Michael J. Delaney;
GERRITY COMPANY INCORPORATED; CAPE COD LUMBER CO., INC.;
SAMPSON LUMBER CO., INC.; C.N.J., INC., d/b/a Whitman Carpet
& Tile; NORTH RIVER PLUMBING; HEATING & WATER FILTRATION;
P.A. LANDERS, INC.; COMMONWEALTH OF MASSACHUSETTS,
DEPARTMENT OF REVENUE; KEVIN KILEY; SUSAN KILEY; SCOTT
KEARNS; SANDRA KEARNS; TOWN OF PEMBROKE; DELANCON
CORPORATION; MATTHEW DELANEY; PAMELA E. INGHAM, f/k/a Pamela
E. Delaney; MICHAEL J. DELANEY, Trustee of the Quail Run Realty
Trust; MICHAEL DELANEY

Certified and Issued as Mandate
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

Deputy Clerk

Date: 9/29/06

Defendants - Appellees

JUDGMENT

Entered: September 29, 2006
Pursuant to 1st Cir. R. 27(d)

Upon consideration of the parties' joint motion, it is hereby ordered that this appeal be voluntarily dismissed pursuant to Fed. R. App. P. 42(b) with each party to bear its own costs.

Mandate to issue forthwith.

By the Court:
Richard Cushing Donovan, Clerk

By **JULIE GREGG**
Operations Manager

[cc: James F. Creed, Esq., David Madoff, Esq., Gary W. Cruickshank, Esq.,
Stephen A. Greenbaum, Esq., Michael S. Kalis, Esq., Elliot M. Sherman, Esq.,
Stephen G. Murphy, Esq., Wilson D. Rogers, Esq., Brian Walter Riley, Esq.,
Arvid J. Peterson, Esq., Frederick J. Watson, Esq.]